

STATE OF IOWA
DEPARTMENT OF COMMERCE
UTILITIES BOARD

IN RE: OFFICE OF CONSUMER ADVOCATE, Complainant, vs. NATIONAL ACCESS LONG DISTANCE Respondent.	DOCKET NOS. FCU-04-39 FCU-04-40 FCU-04-41
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**ORDER APPROVING SETTLEMENT AGREEMENT AND
ASSESSING CIVIL PENALTY**

(Issued August 17, 2004)

On August 6, 2004, the Consumer Advocate Division of the Department of Justice (Consumer Advocate) filed with the Utilities Board (Board) petitions for proceedings to consider civil penalties for alleged slamming violations committed by National Access Long Distance (National Access).

In the complaints, Consumer Advocate asserts that National Access switched the complaining customers' long distance service without proper authorization in violation of Iowa's anti-slamming law, Iowa Code § 476.103 (2003). The complaints were identified as Docket Nos. FCU-04-39, FCU-04-40, and FCU-04-41.

On August 11, 2004, the parties to these dockets, Consumer Advocate and National Access, submitted a joint motion for approval of the settlement agreement

contained in the motion. The settlement agreement addresses all issues in all of the dockets and includes a monetary penalty against National Access in the amount of \$750, which is to be paid within 30 days of this order.

The Board has reviewed the settlement agreement and will approve it. The settlement agreement is reasonable in light of the record, conforms with all applicable statutes and rules, and is in the public interest. 199 IAC 7.2(11).

IT IS THEREFORE ORDERED:

1. The "Joint Motion for Approval of Settlement Agreement" filed in these dockets on August 11, 2004, is granted and the "Settlement Agreement" is approved.

2. Pursuant to Iowa Code § 476.103 and the "Settlement Agreement" filed August 11, 2004, National Access Long Distance is assessed a civil penalty in the amount of \$750. Payment is due within 30 days of this order.

UTILITIES BOARD

/s/ Diane Munns

/s/ Mark O. Lambert

ATTEST:

/s/ Judi K. Cooper
Executive Secretary

/s/ Elliott Smith

Dated at Des Moines, Iowa, this 17th day of August, 2004.